

SPECIAL CALL

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JULY

2009

3:30 p.m. Ohio County Community Center, Hartford, Ky

Special call meeting called to order by Judge Executive David Jones. Prayer by Magistrate Jason Bullock. Pledge to the American flag.

Those present were as follows:

David G. Jones	Judge Executive
Gregory B. Hill	County Attorney
Cheryl Morris	Fiscal Court Clerk
Hayward D. Minton	Magistrate District 1
Jason Bullock	Magistrate District 2
Richard Robinson	Magistrate District 3
Larry Keown	Magistrate District 4
Bill Burden	Magistrate District 5

Motion made by Esq. Minton that the Court approve the minutes of the regular meeting on June 23, 2009 and the special call meeting on June 30, 2009 as presented (copy on file in Fiscal Court Order Book, Clerk’s office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the bills, claims, payments and transfers as presented (copy on file in Clerk’s office).

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	No
Burden	Yes
Jones	Yes

Said motion having carried five (5) to one (1) it is so ordered.

Motion made by Esq. Minton that the Court approve to authorize the County Attorney to write a letter to the Department for Local Government asking for clarification on the Sheriff’s Deputies’ mileage checks being included on the standard order of recurring expenses.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve the Treasurer’s Financial Statement for the month of April 2009 as presented (copy on file, Clerk’s office).

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve the Treasurer’s Financial Statement for the month of June 2009 as presented (copy on file, Clerk’s office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the Treasurer’s FY 2008-2009 Settlement as presented (copy on file, Clerk’s office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve the First Reading of Ordinance No. 2010-3 - An Ordinance Approving A Lease For The Financing Of A Project; Providing For The Payment And Security Of The Lease; Creating A Sinking Fund; And Authorizing The Execution Of Various Documents Related To Such Lease. This Ordinance is required by KACo for the financing of the new Emergency Medical Services building.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Burden that the Court approve the Sheriff’s Office 2008 Property Tax Settlement as presented (copy on file in Clerk’s office).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Resolution prioritizing the 2009-2010 LGEDF coal severance projects:

RESOLUTION

COUNTY OF OHIO

A RESOLUTION OF THE COUNTY OF OHIO, KENTUCKY PRIORITIZING PROJECTS TO BE FUNDED WITH SINGLE-COUNTY COAL SEVERANCE FUNDS, AUTHORIZING THE COUNTY JUDGE EXECUTIVE TO ENTER INTO AGREEMENTS WITH THE GOVERNOR’S OFFICE FOR LOCAL DEVELOPMENT (GOLD) FOR THE PROJECTS, AND TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY GOLD TO FACILITATE THE PROJECTS AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THE PROJECTS.

WHEREAS, the 2008 General Assembly enacted HB 410 which contains therein certain designated projects to be funded with single-county coal severance funds; and,

WHEREAS, it is recognized that these projects impose certain obligations and responsibilities upon the County,

NOW, THEREFORE, BE IT RESOLVED BY THE OHIO COUNTY FISCAL COURT, this 21st day of July 2009, the County Judge Executive is hereby authorized to execute and furnish all required documentation, including memorandums of agreement and interlocal agreements where needed, as may be required by GOLD for the furtherance of said projects and to act as the authorized correspondent for said projects as follows:

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Section 1. The following projects are hereby officially identified and prioritized in **Fiscal Year 2009-2010** for implementation:

- | | |
|--|----------|
| 1. #505 Purchase Ambulance | \$85,000 |
| 2. #502 Ohio County Sports Complex | \$50,000 |
| 3. #509 Road Department-Purchase Tractor & Mower | \$95,000 |

BY: _____
DAVID JONES
OHIO COUNTY JUDGE EXECUTIVE

ATTEST:

CHERYL MORRIS
OHIO COUNTY FISCAL COURT CLERK

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Resolution regarding application for LGEDF coal severance money for the purchase of a truck and trailer:

RESOLUTION
OHIO COUNTY FISCAL COURT

BE IT RESOLVED BY THE OHIO COUNTY FISCAL COURT, that David Jones, Ohio County Judge Executive, is hereby authorized to submit a Project Scope and Budget form to the Department for Local Development in application for a Local Government Economic Development Fund (LGEDF) Coal Severance Grant up to \$30,000.00 to purchase a truck and trailer for use by the Ohio County Road Department.

BE IT FURTHER RESOLVED that the County Judge Executive is hereby authorized to execute and furnish all required documentation, including a memorandum of agreement, as may be required by DLG for the furtherance of the above-referenced project and to act as the authorized correspondent for said project.

IT IS HEREBY ORDERED THIS 21st DAY OF JULY 2009.

DAVID JONES
OHIO COUNTY JUDGE EXECUTIVE

ATTEST:

CHERYL MORRIS
FISCAL COURT CLERK

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Recommendation by Judge Jones that the Court approve to hire Thomas Reddish, pursuant to Executive Order No. 2009-10-0623, as a Seasonal Employee at the Ohio County Park at a rate of \$8.75 per hour effective June 24, 2009 (Order on file in Executive Order Book, Clerk’s Office).

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Recommendation by Judge Jones that the Court approve to hire Gordon Franklin, pursuant to Executive Order No. 2009-11-0710, as a Seasonal Employee at the Ohio County Road Department at a rate of \$10.00 per hour effective Tuesday, July 14, 2009.

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Esq. Burden that the Court approve to award the bid for paving the walking trail located at Rosine on county property previously known as Everett Park to Asphalt Services, Inc. in the amount of \$31,500.00 (copy of bids attached).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Recommendation by Judge Jones that the Court approve to appoint Sheila Sims to serve the remaining term as the Fiscal Court Representative on the Ohio County Board of Health to expire December 31, 2009 replacing Susan Fulkerson who resigned.

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Judge Jones that the Court approve to authorize the County Treasurer to remit payments for a truck and trailer for use in the storm debris cleanup efforts hauling chips from the debris stockpiles on Back Gate Drive and Lewis Creek Lane.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Recommendation by Judge Jones that the Court approve to hire Joseph Allen Taylor through the Audubon Area Community Service KY Works Program Grant as a temporary Park Maintenance employee at a rate of \$8.75 per hour effective 7/1/09.

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Recommendation by Judge Jones that the Court approve the County Clerk’s change in rate of pay for Elizabeth Jan Taylor to \$10.00 per hour effective 7/1/09.

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Recommendation by Judge Jones that the Court approve to hire Chris English as a Monitor at the debris stockpiles at a rate of \$12.50 per hour plus \$10.00 per hour for vehicle reimbursement effective 6/29/09.

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Recommendation by Judge Jones that the Court approve to hire Kori Lynn Bennett as a Monitor at the debris stockpiles at a rate of \$12.50 per hour plus \$10.00 per hour for vehicle reimbursement effective 7/6/09.

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Recommendation by Judge Jones that the Court approve the Sheriff’s change in rate of pay for Freddie Lee Baker, Jr. from \$9.50 per hour to \$10.00 per hour effective 7/20/09.

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Recommendation by Judge Jones that the Court approve to promote Ronald Tyler from seasonal employee to full-time employee at the Ohio County Road Department at a rate of \$12.50 per hour effective 7/22/09. The Court is to advertise for a replacement seasonal position.

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	No
Burden	Yes
Jones	Yes

Said recommendation having been approved five (5) to one (1) it is so ordered.

The County Clerk submitted the minutes from the 2009 Board of Assessment Appeals Hearing to the Court as substantiation for payment to board members.

Motion made by Esq. Minton that the Court ratify the Judge Executive’s execution of a Big Rivers Electric Corporation PCB Series 2001A Note dated July 16, 2009 replacing its existing first mortgage trust indenture (copy attached).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Abstain
Keown	Yes
Burden	Yes
Jones	Yes

Said motion having carried five (5) with one (1) abstention, it is so ordered.

Motion made by Esq. Minton that the Court approve to allow all payroll checks to be electronically signed so long as computer security is in place and kept up-to-date and regular monitoring of all accounts is performed.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court authorize that payroll checks be electronically signed using approved software as required by KRS 369.107(4) employing a “password” with a lock present. The electronic signatures will be the Ohio County Judge Executive and the Ohio County Treasurer. By allowing these signatures to be electronically signed it in no way implies that the Ohio County Treasurer has authorized any payment which may be subject to disapproval by the Ohio County Judge Executive or the Ohio County Fiscal Court.

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court authorize the Judge Executive to sign a Fiber Purchase Agreement with Domtar Paper Company, LLC for the County to sell wood fiber chips processed from the debris stockpiles on Back Gate Drive and Lewis Creek Lane (copy attached).

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to go into Closed Session to discuss pending litigation on behalf of the Fiscal Court. No other business will be discussed during the Closed Session and no official action shall be taken or consensus made by the Fiscal Court. The legal authority that allows us to go into Closed Session is KRS 61.810(1)(c) which authorizes the Fiscal Court to have discussions of proposed or pending litigation against or on behalf of the public agency. The legal reason we are going into Closed Session is for discussion of pending litigation.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve to go back into Open Session. No other business was discussed or action taken during Closed Session except what was stated by me before going into Closed Session regarding pending litigation.

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The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Robinson that the meeting is adjourned.

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Meeting is adjourned.

David Jones, Judge Executive

Cheryl Morris, Fiscal Court Clerk